

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CHANNEL E. ALLEN,

Plaintiff,

Case No. 23-10248

v.

Honorable Nancy G. Edmunds

MICHIGAN FIRST CREDIT UNION,

Defendant.

/

**ORDER ACCEPTING AND ADOPTING THE MAGISTRATE JUDGE'S
JULY 21, 2023 REPORT AND RECOMMENDATION [35]**

This lawsuit was filed under the Fair Housing Act by pro se Plaintiff Channel E. Allen. (ECF No. 7.) The case has been referred to Magistrate Judge David R. Grand for all pre-trial matters. (ECF No. 5.) Before the Court is the Magistrate Judge's report and recommendation to deny Plaintiff's motion for summary judgment as premature (in part because it was filed before the close of discovery) and lacking in merit. (ECF No. 35.) Plaintiff has now filed an objection,¹ taking issue with the Magistrate Judge's statement that she has not presented direct evidence of racial discrimination; specifically, that she has not factually established when Defendant first learned of her race. (ECF No. 37.) Plaintiff refers to previously filed exhibits, arguing that they satisfy her burden in this regard. But the Court agrees that these documents do not constitute direct evidence of racial discrimination. And because there is no direct evidence, the Magistrate Judge found

¹ Under Federal Rule of Civil Procedure 72(b)(3), "[t]he district judge must determine de novo any part of the magistrate judge's disposition that has been properly objected to. The district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions." See also 28 U.S.C. § 636(b)(1).

that facts need to be fleshed out as to “how, when, and why (or, from [Defendant]’s perspective, whether) her loan terms changed, and why her loan application was denied.” (ECF No. 35, PageID.454.) The Court agrees with this reasoning. Thus, the Court OVERRULES Plaintiff’s objection (ECF No. 37) and ACCEPTS AND ADOPTS the report and recommendation (ECF No. 35). Accordingly, Plaintiff’s motion for summary judgment (ECF No. 28) is DENIED.

SO ORDERED.

s/Nancy G. Edmunds
Nancy G. Edmunds
United States District Judge

Dated: August 1, 2023

I hereby certify that a copy of the foregoing document was served upon counsel of record on August 1, 2023, by electronic and/or ordinary mail.

s/Teresa McGovern
Case Manager